
State Government & Tribal Relations Committee

HB 2030

Brief Description: Revoking a person's voting rights only when convicted of a state crime punishable by death.

Sponsors: Representatives Simmons, Gregerson, Bateman, Ormsby, Peterson, Mena, Street and Doglio.

Brief Summary of Bill

- Redefines what constitutes an infamous crime, the conviction of which results in a revocation of voting rights, to include only state crimes punishable by death.
- Makes conforming changes to reflect the modified definition of infamous crime in the provisions governing the voter registration oath, ballot declaration, and challenges to an individual's right to vote or be a candidate, and qualification for jury service.

Hearing Date: 1/16/24

Staff: Connor Schiff (786-7093).

Background:

Revocation and Restoration of the Right to Vote.

Under the state constitution, all individuals convicted of an infamous crime are disqualified from voting unless their civil rights have been restored. For the purposes of voter qualifications, an infamous crime is defined as "a crime punishable by death in the state penitentiary or imprisonment in a state or federal correctional facility." An infamous crime does not include an

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adjudication in juvenile court or a conviction for a misdemeanor or gross misdemeanor.

When an individual is convicted of a felony and sentenced to total confinement in the Department of Corrections, the court must require the individual to sign a statement acknowledging that, among other things, the individual's right to vote has been revoked due to the felony conviction and sentence of total confinement.

If an individual has received a felony conviction, the individual's right to vote is automatically restored as long as the individual is not serving a sentence of total confinement in the state or incarcerated out of the state. An individual convicted of a felony who is serving a sentence of total confinement or incarcerated must reregister to vote prior to voting. The Department of Corrections must provide a written notification of the process for restoring voting rights.

Voter Qualifications.

An individual registering to vote or submitting a ballot must attest that the individual is qualified to vote. The individual must attest, among other things, that the individual is not serving a felony sentence of total confinement in the state or incarcerated for a felony conviction outside the state.

Challenge to a Person's Right to Vote.

Registration of an individual as a voter is presumptive evidence of the individual's right to vote. A challenge to a person's right to vote may be based on personal knowledge that, among other things, the individual is serving a felony sentence of total confinement in the state or incarcerated for a felony conviction outside the state.

Challenge of a Candidate.

A registered voter may challenge the right of an elected candidate to assume office, the right of a candidate to appear on a general election ballot, or the certification of an election on that basis that, among other things, the candidate was convicted of a felony that had not been reversed or had not had their civil rights restored prior to the election.

Juror Qualifications.

An individual must meet certain qualifications to serve as a juror. An individual that has been convicted of a felony and not had their civil rights restored cannot serve as a juror.

Capital Punishment.

Prior to 2018, an adult convicted of Aggravated Murder in the first degree received either a sentence of life without the possibility of release or, if sufficient mitigating factors were not present, a death sentence. In 2018 the Washington Supreme Court determined that the death penalty, as applied, is unconstitutional. Legislation was subsequently enacted to repeal statutes allowing for the death penalty for Aggravated Murder in the first degree, and to remove all statutory procedures related to carrying out the death penalty.

Summary of Bill:

An individual's right to vote is only revoked by reason of a criminal conviction if the individual is convicted of an infamous crime in a Washington state court. For the purposes of voter qualifications, "infamous crime" is redefined as "a state crime punishable by death." "Infamous crime" does not include any felony that is not punishable by death.

When an individual is convicted of an infamous crime, the court must require the individual to sign a statement acknowledging that, among other things, the individual's right to vote has been revoked because the individual has been convicted of an infamous crime.

If an individual's right to vote was revoked because of an infamous crime conviction, the individual's right to vote is automatically restored as long as the person is not serving a sentence of total confinement in the Department of Corrections. Upon restoration of the right to vote, the individual must reregister prior to voting.

Provisions governing voter attestations, ballot declarations, challenges to an individual's right to vote, and challenges to candidates are modified to conform to the narrowed definition of infamous crime.

An individual who has been convicted of an infamous crime and not had their civil rights restored is disqualified from serving as a juror. An individual who has been convicted of a felony that is not an infamous crime is no longer disqualified to serve as a juror.

This act may be known as the Free the Vote Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.